



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

August 13, 1973

The Honorable W. L. Hardwick  
County Attorney  
Live Oak County  
George West, Texas 78022

Opinion No. H- 84

Re: Is an eighteen year old, who  
is a qualified voter, eligible  
to be elected and hold the office  
of trustee of an independent  
school district?

Dear Mr. Hardwick:

You have asked whether a person 18 years old, who is a qualified voter and not otherwise disqualified, is eligible to be elected and hold the office of trustee of an independent school district.

Section 21.007 of the Texas Education Code provides that no one shall be elected as such a trustee unless he is a qualified voter. "Qualified voter" is defined in Article 1.01a of the Texas Election Code as "a person who meets all the qualifications and requirements of voting as prescribed in Section 34 [Art. 5.02] of this code". Article 5.02 of the Election Code would make 21 years of age the minimum age for voting.

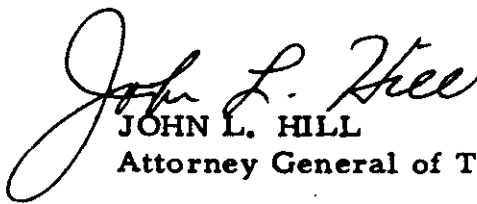
However, the Twenty-Sixth Amendment to the United States Constitution provides that no State shall deny any citizen of the United States, 18 years of age or older the right to vote on account of age. Therefore, regardless of Senate Bill 123, which takes effect August 27, 1973, and generally grants 18 year olds the status of adults [see H-82 (1973)], an individual who is 18 years of age and in compliance with all other provisions of Article 5.08 of the Election Code is eligible to be a candidate for the office of trustee of an independent school district.

Your specific question therefore is answered in the affirmative.

S U M M A R Y

A qualified voter, 18 years of age or older, is not ineligible because of age to be elected trustee of an independent school district.

Very truly yours,

  
JOHN L. HILL

Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
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